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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,490	03/16/2004	Frank van Diggelen	GLBL 047	1217

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EXAMINER

MULL, FRED H

ART UNIT	PAPER NUMBER
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3662

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/801,490

Applicant(s)

DIGGELEN ET AL.

Examiner

Fred H. Mull

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 and 21 is/are allowed.
- 6) ☒ Claim(s) 1,3,11,13,18 and 19 is/are rejected.
- 7) ☒ Claim(s) 2,4-10,12 and 14-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3-16-2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments in the response dated November 22, 2006 with respect to various 35 USC 112 rejection(s), have been fully considered and are persuasive. The rejection(s) have been withdrawn.

2. After further consideration, a new rejection over Fuchs has been added. This rejection has been reformulated since it was previously applied in the first rejection, and the arguments made in applicant's response to that rejection are addressed below. Because of the reformulated rejection, this action is non-final.

Applicant's first argument with respect to Fuchs in response dated June 16, 2006 that is relevant to the reformulated rejection is that the claimed expected line-of-sight data is formed from satellite-navigation data other than satellite-navigation messages concurrently measured by the mobile receiver or other device (p. 8, lines 14-17; p. 9, lines 11-15). In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the line-of-sight data being other than from satellite-navigation messages concurrently measured by the mobile receiver or other device) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's second argument relevant to the reformulated rejection is that the claimed expected line-of-sight data is mathematically projected line-of-sight data (p. 8, lines 17-20; p. 9, lines 8-9). Firstly, Fuchs mathematically projects the line-of-sight vector based on rough user position and satellite position. Using the assumption that the mobile position is the rough position, Fuchs projects the light-of-sight vectors and uses them. Secondly, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., mathematical projection) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Objections

3. Claim(s) 20 is/are objected to under 37 CFR 1.75(i). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should begin on a new line and be preceded with a line indentation. Plural indentations may be necessary to further segregate subcombinations or related steps. Here, it appears lines 3-6 should have an additional indentation as components of the mobile receiver. See MPEP §608.01(m). Appropriate correction is required.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 3, 11, 13, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Fuchs.

In regard to claims 1 and 11, Fuchs discloses a method of determining time-of-day in a mobile receiver (130, Fig. 1), including a processor (138), comprising:

obtaining expected pseudoranges to a plurality of satellites (265, Fig. 5; col. 4, lines 24-52; col. 10, line 61 to col. 11, line 27), said expected pseudoranges based on an initial position (250; col. 10, lines 61-62; col. 15, lines 20-23) of said mobile receiver and an initial time-of-day (502; col. 10, lines 62-63; col. 15, lines 20-26), where the pseudorange model/predictions are the expected pseudoranges;

obtaining expected line-of-sight data to said plurality of satellites (col. 12, lines 19-22), where the data is expected rather than measured because it is based on the rough user position, and thus may not be the exact line-of-sight;

measuring pseudoranges from said mobile receiver to said plurality of satellites (504; col. 11, line 66); and

computing update data for said initial time-of-day (903, Fig. 9; col. 11, lines 55-57) using a mathematical model relating said pseudoranges, said expected pseudoranges, and said line-of-sight data (col. 11, lines 55 to col. 12, line 56).

In regard to claims 3 and 13, Fuchs discloses receiving acquisition assistance data at said mobile receiver from a server; wherein said expected pseudoranges (265,

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Fig. 5; col. 4, lines 24-52; col. 10, line 61 to col. 11, line 27) and said expected line-of-sight data (col. 12, lines 19-22) are obtained from said acquisition assistance data, where the expected pseudoranges (pseudorange model/predictions) are sent directly from the server, and the line-of-sight data are obtained from the rough position forwarded by the server.

In regard to claim 18, Fuchs further discloses said processor is further configured to decode absolute time data from satellite navigation data transmitted by at least one of said plurality of satellites and update said initial time-of-day using said absolute time data (903, Fig. 9; col. 12, lines 51-52).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fuchs.

It is common to express GPS time in terms of time-of-week count. It would have been obvious to use this well known convention.

Allowable Subject Matter

6. Claims 20-21 are allowed.
7. Claim(s) 2, 4-10, 12, and 14-17 is/are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred H. Mull whose telephone number is 571-272-6975. The examiner can normally be reached on Monday through Friday from approximately 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas H. Tarcza can be reached on 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fred H. Mull
Examiner
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fhm

A handwritten signature in cursive script, appearing to read "Thomas H. Tarcza".

**THOMAS H. TARCZA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600**